IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1530 OF 2004

Sameer Laxmichand Nagda ...Petitioner

Versus

The State of Maharashtra ...Respondent

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Mr.G.S.Kulkarni i/b Smt.Supriya S.Khanzode for Petitioner.

Mr.B.H.Mehta, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

NOVEMBER 24, 2004.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. Rule. Rule made returnable forthwith, by consent. Mr.Mehta, A.P.P. waives notice for Respondent.

3. As short question is involved, the matter

is heard for final disposal forthwith, by consent.

4. This Petition takes exception to the condition imposed by the Chief Judicial Magistrate, Thane in his order dated 6th May 2003 while directing return of the truck No.MH-21/6147 to the Petitioner herein. Reliance is placed on the decision of the Division Bench dated 14th July 2003 in Writ Petition No.3533 of 2003, dated 6th May 2003 in Writ Petition No.2598 of 2002 as well as order of the Single Judge dated March 25, 2004 in Criminal Writ Petition No.1912 of 2003 and another Single Judge dated October 7, 2003 in Criminal Writ Petition No.472 of 2003, etc. On the same basis, Petition ought to succeed by directing return of the truck No.MH-21/6147 on the condition that the Petitioner shall execute bond in the sum of Rs.2,00,000/- (Rupees Two Lakhs) and on Petitioner furnishing undertaking that he will not create any third party right in respect of the said vehicle and the Petitioner shall produce the said vehicle as and when required by the Trial Court. That undertaking be furnished within one week from

today. On complying with the aforesaid conditions, the truck be returned to the Petitioner.

5. Writ Petition disposed of on the above basis.

A.M.KHANWILKAR, J.